FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.
CRIMINAL APPLICATION NO. 4275 OF 2004.
IN
CRIMINAL APPEAL NO.482 OF 2004.

Chyachya Tulshiram Bhosale & ors.. Applicants.
vs.
The State of Maharashtra. .. Respondent.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri S.M. Oak for the applicants.
Shri A.S. Shitole, A.P.P. for the State.

CORAM: V.M.KANADE,J.
DATED: 15-2-2005.

P.C.:

1. Heard learned Counsel appearing on behalf of the applicants and the learned A.P.P. for the State.

2. Appellants are convicted for having committed an offence punishable under section 396 read with section 395 of the Indian Penal Code and are sentenced to suffer R.I. for 10 years. The prosecution case is that the applicants and others committed dacoity in the house of the complainant and 2 people died as a result of the injuries which were caused by the accused while committing dacoity. The other witnesses were grievously injured.

3. It is submitted by the learned Counsel appearing for the applicants that only on the basis of the statement of the investigating officer, the trial Court has convicted the applicants. It is submitted that so far as test identification parade is concerned, it was not properly held. Therefore, no reliance can be placed on the said identification parade. He further submitted that so far as recovery of the ornaments is concerned, the panch witness has not supported the prosecution case. In my view, prima facie case for grant of bail is not made out by the applicants. Considering the fact that 2 people were died in the said dacoity and others were grievously injured and in view of the fact that ornaments were recovered at the instance of the applicants which were identified by the witnesses, this is not a fit case for grant of bail. Application is, therefore, rejected.